

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 10, 2013**

PRESENT: Peter F. Murphy, Chairman, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Jay P. Donahue, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce Hedetniemi, Commissioner At-Large
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Ellen J. Hurley, Braddock District

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The meeting was called to order at 8:17 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy welcomed the Planning Commission Office's new Executive Director, Jill Cooper, who was present at tonight's meeting. He added that Barbara Lippa, former Executive Director of the Planning Commission Office, also present, would be available to provide temporary assistance to Ms. Cooper as she became acclimated to the new position.

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Chairman Murphy announced that the Board of Supervisors had adopted the Fairfax Forward Comprehensive Plan review process, which would use a Comprehensive Plan Amendment Work Program to schedule future planning studies. He pointed out that one of the main focus items for the Planning Commission was the Fairfax Center area, which encompassed land in four of the County's magisterial districts, including the Springfield, Braddock, Providence, and Sully Districts. He stated that a meeting would take place on Wednesday, July 24, 2013, at 6:30 p.m. in the Board Conference Room of the Fairfax County Government Center between the relevant Planning Commissioners, Supervisor staff, and County Planning staff to discuss coordination of the planning and outreach to the citizens involved. (*Note: The meeting time was later changed to 6:00 p.m.*)

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room, on the following dates:

- Thursday, July 18, 2013 (Presentation on electric vehicle charging infrastructure)
- Thursday, July 25, 2013 (Presentation on electric vehicle charging infrastructure)

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Commissioner de la Fe MOVED THAT THE DECISION ONLY FOR SEA-2009-DR-008, OAKCREST SCHOOL BE DEFERRED UNTIL JULY 25, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Flanagan seconded the motion which carried by a vote of 10-0. Commissioner Sargeant was not present for the vote. Commissioner Hurley was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (MINOR REVISIONS)
2. ZONING ORDINANCE AMENDMENT (TEMPORARY FAMILY HEALTH CARE STRUCTURES)
3. SEA 85-D-062-03 – THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. LUKE'S CATHOLIC CHURCH)
4. SEA 93-MA-047 – THE PARKLAWN RECREATION ASSOCIATION, INC. 2232-M08-26 – NEW CINGULAR WIRELESS PCS, LLC

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (MINOR REVISIONS)

– To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: (1) Revises Sect. 2-419 and Sect. 8-914 to (a) allow a modification due to error in building location of the locational requirements for free standing accessory structures to be approved administratively by the Zoning Administrator or by Special Permit by the Board of Zoning Appeals (BZA); and (b) allow the BZA to approve a reduction in the minimum yard requirements due to errors in building locations that are no greater than ten percent of the measurement involved in conjunction with the approval of a special permit for another use or

approval of a variance on the property, or in conjunction with another error in building location on the property that exceeds ten percent. (2) Revises Sect. 19-303 to require that at least one member of the Architectural Review Board is an archaeologist.
COUNTYWIDE. PUBLIC HEARING.

Cathy S. Belgin, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Commissioner Sargeant asked Ms. Belgin to confirm that this Amendment was based on existing practices. Ms. Belgin confirmed that Paragraph (a) was based on existing practices; however, she pointed out that Paragraph (b) was a new requirement.

Referencing Paragraph 1d., on page 3, Commissioner Litzenberger asked who would determine if there were any "detriment." Ms. Belgin stated that the Zoning Administrator would.

Chairman Murphy called for speakers from the audience but received no response. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Sargeant for action on this item. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT FOR MINOR REVISIONS, AS SET FORTH IN THE STAFF REPORT DATED JUNE 4, 2013, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Migliaccio seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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ZONING ORDINANCE AMENDMENT (TEMPORARY FAMILY HEALTH CARE STRUCTURES) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: (1) Defines a temporary family health care structure as a transportable residential structure that is permitted by §15.2-2292.1 of the *Code of Virginia*, is primarily assembled at a location other than its site of installation, is accessory to a single family detached dwelling, and provides an environment that facilitates a caregiver's provision of care for a mentally or physically impaired person. (2) The property shall be owned or occupied by the caregiver, the structure shall be occupied by one

mentally or physically impaired person or, in the case of a married couple, one mentally or physically impaired person and one requiring assistance with one or more activities of daily living, and the caregiver must be related to or the guardian of the structure's occupant(s). (3) Revises Sect. 10-102 to allow temporary family health care structures as a permitted accessory use on property zoned for and developed with a single family detached dwelling, subject to Zoning Administrator approval and in accordance with occupancy, structural, locational, signage, and other verification, inspection, and durational limitations established in accordance with the provisions of §15.2-2292.1 of the *Code of Virginia*.

(4) Pursuant to authority granted by §15.2-2286.A.6 and 15.2-2292.1 of the *Code of Virginia*, establishes a temporary family health care structure application filing fee of up to \$100.

COUNTYWIDE. PUBLIC HEARING

Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this case. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT FOR TEMPORARY FAMILY HEALTH CARE STRUCTURES, AS SET FORTH IN THE STAFF REPORT DATED JUNE 4, 2013, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Sargeant seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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SEA 85-D-062-03 – THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. LUKE'S CATHOLIC CHURCH) – Appl. under Sect. 3-204 of the Zoning Ordinance to amend SE 85-D-062-03, previously approved for a church with private school of general education, to permit addition of nursery school, with no increase in the total enrollment of 250 children, and associated modifications to site design and development conditions. Located at 7001 Georgetown Pk., McLean, on approx. 20.03 ac. of land zoned R-2.

Tax Map 21-4 ((1)) 6. DRANESVILLE DISTRICT. PUBLIC
HEARING

Keith Martin, Esquire, Applicants Agent, Sack Harris & Martin PC, reaffirmed the affidavit dated February 26, 2013. There were no disclosures by the Commissioners.

Commissioner Donahue asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Donahue for action on this case. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-D-062-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 26, 2013.

Commissioner Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG ALL LOT LINES IN FAVOR OF THE EXISTING LANDSCAPING.

Commissioner Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM THE WAIVER OF BARRIER REQUIREMENTS ALONG ALL LOT LINES.

Commissioner Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.

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SEA 93-M-047 – THE PARKLAWN RECREATION
ASSOCIATION, INC., AND NEW CINGULAR WIRELESS
PCS, LLC – Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE 93-M-047, previously approved for uses in a floodplain, to permit installation of a telecommunication facility which includes a 128 ft. tall tree pole or monopole and associated

modifications to site design and development conditions. Located at 6011 Crater Pl., Alexandria, on approx. 14.54 ac. of land zoned R-3. Tax Map 61-4 ((6)) (T) 56 and 72-2 ((3)) (T) C. (Concurrent with 2232-M08-26.) MASON DISTRICT.

2232-M08-26 – THE PARKLAWN RECREATION ASSOCIATION, INC., AND NEW CINGULAR WIRELESS PCS, LLC – Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia to permit installation of a telecommunication facility which includes a 128 ft. tall tree pole or monopole. Located at 6011 Crater Pl., Alexandria, on approx. 14.54 ac. of land zoned R-3. Tax Map 61-4 ((6)) (T) 56 and 72-2 ((3)) (T) C. (Concurrent with SEA 93-M-047.) MASON DISTRICT. JOINT PUBLIC HEARING.

Ed Donohue, Esquire, Applicants Agent, Donohue & Stearns, PLC, reaffirmed the affidavit, dated May 29, 2013. There were no disclosures by the Commissioners.

Rebecca Horner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report for SEA 93-MA-047, a copy of which is in the date file. She noted that staff recommended approval of the application.

John R. Bell, Planning Division, DPZ, presented the staff report for 2232-M08-26, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Donohue commended staff and agreed with the staff report. He stated that he had met with the Mason District Land Use Committee three times and received support for the application, adding that the community discussions were very helpful. He pointed out that capacity as it related to data and coverage were an issue; a consequence of the growing demand for data/broadband on the current system. He referenced several of the nearby facilities located on existing structures and stated that AT&T was unable to collocate on them and provide quality service to the Parklawn area. In addition, he stated that he looked for opportunities to locate a facility on parklands and public buildings. He pointed out that the nearby parklands sat too low for the requirements of this tower. Also, the public schools that had been considered – Glasgow Middle School, William Ramsey Elementary School, and Parklawn Elementary School – were located such that network connectivity to the Parklawn residents had failed at each site. Mr. Donohue noted that, all other sites having been considered, the Parklawn Recreational Center provided the best cell and data coverage. He added that he had looked at the T-Mobile facility located in the bell tower at Peace Lutheran Church on Lincolnia Road and said that it would be a good companion site to the application but could not serve the Parklawn area adequately on its own. He noted that the application had originally proposed a monopine but decided on a monopole with a graduated paint design to better mitigate the visual impact, adding that the applicant moved the compound out of the resource protection area and would provide an aggressive landscape plan to minimize environmental impacts. Mr. Donohue further noted that

the applicant accepted the development conditions and asked that the Planning Commission support the applications.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Barbara Gleason, 4209 Stanby Court, Alexandria, expressed support for the facility and said that coverage in her home was poor and inconsistent, which not only prevented her from working from home, but also caused safety concerns in the event of a major power outage. She added that utility poles were familiar to the area, pointing out that the facility at Peace Lutheran Church was closer to many of the homes than the proposed facility would be.

Austin Bozarth, 6203 Larstan Drive, Alexandria, stated that he lived approximately 1,000 feet from the proposed site and supported the application. He said that no matter the carrier, his coverage had always been poor. He added that he could not work from home and echoed the previous speaker's concerns regarding safety, particularly for his children. He reminded the Commissioners of the June 2012 derecho storm, which downed power lines throughout the County, and said that many of the residents in the neighborhood had no way of contacting emergency services because of the poor coverage. In addition, he pointed out that the demand for broadband had increased substantially while the coverage remained unchanged.

Ivy Sinaiko, 6101 Larstan Drive, Alexandria, also spoke in support of the applications, citing safety issues in regard to walking the Holmes Run Trail and within the neighborhood. She too recounted problems she had experienced during snow storms wherein the land line was disabled and there was no cell coverage. She added that if the current coverage continued, she might consider retiring to another community, with more reliable communications, where she could "age in place" more comfortably.

Heath Brown, representing Parklawn Recreation Association (PRA), 6011 Crater Place, Alexandria, noted the Association's support for the applications for the following reasons:

- The majority of PRA members and a voting majority of PRA Board members support the facility.
- PRA wants to support Fairfax community demand for improved cellular service by allowing the facility on its property.
- PRA believes that a facility on its property will improve area business opportunities by providing an additional reliable resource.
- A telecommunications facility on the property will enhance Fairfax community safety in that people traveling through the area will have an additional resource for reliable coverage to report criminal activity and/or call for emergency services.

Stephanie Liller, 6304 Hillcrest Place, Alexandria, supported the applications, citing public safety reasons.

Donald Bisenius, 4112 Faith Court, Alexandria, opposed the facility because:

- It would irreparably damage the aesthetics of the area.

- AT&T had failed to demonstrate a pressing public safety need to justify the cost of such damage.
- The installation would be detrimental to the value of his and other homes facing the tower.

Mr. Bisenius added that he had walked the site and had continuous cell phone coverage throughout the area. He pointed out that his residence sat well above the Holmes Run Creek; therefore, the visual impact would be greater on his neighborhood. In addition, he stated that had purchased his home at a lot premium and feared that his property would significantly depreciate with the installation of the tower. He requested that the Planning Commission deny the applications.

Chairman Murphy noted that cell towers had been installed in locations throughout the County prior to the development of neighborhood communities without having had any effect on the purchase prices of the homes. In addition, he noted that he had not as yet seen any empirical data showing that home prices suffered as a consequence of cell tower installations.

While acknowledging Mr. Bisenius' opposition to the facility, Commissioner Hart asked which type of pole he would prefer should the proposal be approved. Mr. Bisenius said he would prefer a monopole, noting that it would blend in better than a monopine.

Charles Bell, 4127 Teton Place, Alexandria, opposed the tower, noting that because it would be located within 200 feet of his residence, it would have a severe visual impact on his view. He noted that his wife worked successfully from home using wireless internet and pointed out that they had no issues with the cellular carrier they used. He added that when he purchased his home he had not expected any such facility, particularly since there was a covenant prohibiting the use of the land for profit.

Rob Stapleton, 4119 Teton Place, Alexandria, spoke in opposition to the facility, echoing earlier remarks regarding the proximity of the tower to his and nearby residences, the failure of the applicant to prove need, and negative visual impacts. He added that since the applicant had failed to demonstrate a need for cellular coverage, the tower was intended to provide capacity, which was not covered in the Telecommunications Act of 1996. He pointed out that the tower, without any antenna, as shown in the staff report, did not demonstrate the true visual impact on the community and suggested that the applicant reconsider the alternate sites suggested in the report. In addition, he questioned the safety of the monopole itself, citing the failure of a facility in Pennsylvania.

During a brief discussion between Commissioner Hall and Mr. Stapleton, it was revealed that Mr. Stapleton took no issue with the current 20-foot utility poles that provided power to the residents throughout the area; however, the proposed monopole would loom above the neighborhood. Commissioner Hall said that she would ask the applicant to address his concerns regarding the safety of the facility.

Rebecca Choi, 4132 Teton Place, Alexandria, spoke in opposition to the applications, citing the height of the facility, failure by the applicant to prove need, negative visual impacts, violation of the existing covenant, adequacy of the existing cellular/internet coverage, and depreciation of nearby property values.

John Edwards, 4132 Teton Place, Alexandria, echoed Ms. Choi's remarks in opposition to the applications.

William Larme, President, Lincolnia Hills/Heywood Glen Civic Association, 6214 Berlee Drive, Alexandria, noted that the Association included over 400 households in the western part of mason district and the city of Alexandria. He stated that the Association endorsed the applications, noting that the facility would provide improved cellular and wireless data services to an area in which many of the residents experienced poor or no service, thus providing more reliable services for safety and emergency purposes.

During a brief discussion with Commissioner Flanagan, Mr. Larme explained that he was President of a combined association representing both the Lincolnia Hills and Heywood Glen neighborhoods. He further noted that PRA was a separate property that was located directly adjacent to Heywood Glen.

Daren Shumate, 3920 Melvern Place, Alexandria, expressed support for the facility and appealed to PRA members and residents for their support.

Commissioner Hall asked staff if the County should take the existing covenant under consideration. Ms. Horner explained that the County would not address the covenant because it was a private issue.

Bruce Cornett, 6104 Everglades Drive, Alexandria, spoke in opposition to the applications, noting the height of the facility and failure by the applicant to prove need. He added that the residents nearest the facility would be in a shadow zone, thereby receiving none of the benefits of the facility itself. He echoed previous remarks regarding the applicant's failure to adequately demonstrate that other sites had been considered. He also said that the applicant failed to consider newer technologies, like distributed antenna systems (DAS), which would be more in character with the surroundings and have less visual impact. He pointed out that the coverage hole shown during the applicant's presentation was located in Alexandria and questioned the County's willingness to provide a utility to another jurisdiction at the cost of its own citizens. Additionally, Mr. Cornett said that the materials that made up the facility would be very hazardous the environment should something happen.

Steve Barrett, 6009 Crater Place, Alexandria, spoke in opposition to the applications, echoing previous remarks in opposition to the applications.

When Commissioner Flanagan asked Mr. Barrett if he lived in the Parklawn subdivision, Mr. Barrett that he did, adding that he was well aware of the existing covenant. He further noted that the Parklawn Civic Association had taken no position on the proposal.

Michael Gates, representing Parklawn Area Citizens Against Cell Towers, LLC, 4113 Conrad Road, Alexandria, spoke in opposition to the applications, echoing comments by other speakers regarding height of the facility, failure by the applicant to prove need, negative visual impacts, failure to adequately demonstrate that other sites had been considered, adequacy of the existing cellular/internet coverage, and failure to consider DAS as an alternative. He further noted that the applications were not in conformance with the Fairfax County Comprehensive Plan or Zoning Ordinance.

Oakleigh Thorne, representing Thorne Consultants, 10605 Concord Street, Kensington, Maryland, explained that his firm had been retained by Donohue and Stearns to determine if the proposed facility would negatively impact the value of the prices of the homes and lots within the view shed of the Parklawn site. He briefly described the methodology for evaluation and noted that after having performed several other studies, these facilities showed no discernible negative impact. He added that views were not so much the issue for buyers in their search for the right home, but rather the following were more important: access to a school system, access to employment centers, and access to retail services and goods.

Brian Dwyer, 4125 Teton Place, Alexandria, spoke in opposed the applications, citing the height of the facility and resulting negative visual impacts, the looming effect it would cause to the nearby homes, proximity to residences, lack of compatibility with the surrounding neighborhood, failure by the applicant to consider alternative locations, adequacy of the existing cellular/internet coverage, and depreciation of nearby property values.

Karen May, 6324 Oak Ridge Drive, Alexandria, spoke in support of the facility and recounted a personal story in which a family needed help and did not have cell coverage in the proposed coverage area. She pointed out that she lived on the same street as Peace Lutheran Church and said that the enlarged bell tower had no impact on home prices after the facility had been installed. In addition, she pointed out that the proposed facility at the Parklawn Recreation pool would collocate only two carriers, not four.

Rebecca McMurry, 6103 Larstan Drive, Alexandria, expressed support for the proposed facility and said that the proposed location would help improve coverage issues. She stated that the PRA deed contained a clause noting that the property was not to be used for profit. She noted, however, that the proposed use was a utility, not a commercial use. In addition, she clarified that the PRA, which held the deed, was a separate entity from the Parklawn Civic Association.

Commissioner Hart reiterated that covenants were private agreements that could not be considered by the Planning Commission in its deliberations.

Allan Brown, 4123 Teton Place, Alexandria, opposed the facility, echoing previous speaker remarks regarding the negative visual impacts and the County's willingness to provide a utility to another jurisdiction.

Thomas Kelly, 6011 Crater Place, Alexandria, opposed the tower because of its proximity to his residence. He added that his home had been on the market for approximately 50 days and, although almost 20 people had visited the house, no one had put in an offer, a possible result of one of the County advertising boards near his driveway advertising the proposed hearing for this facility. He expressed concern about the applicant's proposed access plan and requested clarification.

Julia Muñoz, 6011 Crater Place, Alexandria, speaking on behalf of her parents, said that they had moved to the Parklawn neighborhood because of the natural aesthetics of the area and were now disappointed to find that a tower might be installed. She added that she had participated in a 9-1-1 test, during which none of the calls were dropped. With regard to location, Ms. Muñoz noted that locating this facility so close to a residential area would have negative impacts on the residents. She further pointed out that the tower would change the character of the area.

There being no more speakers, Chairman Murphy called for a rebuttal from Mr. Donohue, who took questions from Commissioner Hall.

Commissioner Hall asked Mr. Donohue to clarify the coverage issues. He explained that the applicant had provided radiofrequency propagation maps, in addition to supplementary maps depicting problem coverage spots. He added that a drive test had been performed showing network/signal strength and test up- and downlink strength from antenna to vehicle, and a substantial hole in coverage was identified with AT&T and Verizon.

When Commissioner Hall asked County staff if the applicant had adequately demonstrated a need for the proposed structure, Mr. Bell said yes.

Commissioner Hall asked Mr. Donohue about collocating on the existing facility at Peace Lutheran Church. Mr. Donohue reiterated that while the facility would provide coverage on Lincolnia Road, it would not address the gap in Parklawn; therefore, it would be a companion to the proposed site. He added while he had heard anecdotes from residents regarding dropped calls, he knew nothing about the 9-1-1 test, as it was done independently of the applicant's testing.

Commissioner Hall asked staff if there were any inconsistencies or inaccuracies in AT&T's 2232 Statement of Justification. Mr. Bell said there were none.

Mr. Donohue explained that in the search for collocation opportunities, each of the sites surrounding Parklawn were collocations; however, this was a situation in which the applicant was unable to collocate on a Dominion transmission tower, water tank, building, or existing monopole. When Commissioner Hall asked whether the applicant would prefer to collocate service on an existing facility or build a new facility, Mr. Donohue stated that collocation would be preferable because it was less expensive and more timely.

Commissioner Hall asked about noise caused by the pole and the equipment cabinet. Mr. Donohue explained that air conditioning would be required to cool the electronic equipment, the

noise of which would be equivalent to a running air conditioning unit outside of a home. He added that the tower itself emitted no noise.

Mr. Donohue explained that distributed antenna systems (DAS) had been brought up during the meetings with the Mason District Land Use Committee. He said that the coverage gap was quite large and DAS would not be an appropriate coverage solution. In addition, he pointed out that there were large sections of the coverage area in which the utilities were underground; therefore, there would be no place to put the DAS nodes. With regard to character, Mr. Donohue referenced facilities on the Broyhill, Holmes Run, and Commonwealth Swim Clubs, and noted that they were on significantly smaller lots than the subject facility. He stated that the application exceeded all of the setback requirements, adding that while the pole would be clearly visible to some homes, the proximities to the pole exceeded those requirements. Mr. Donohue noted that the structural requirements had recently been revised to ensure that a tower could withstand sustained winds of up to 90 miles per hour. He acknowledged that failure did occur, but pointed out that it was rare and, when it did happen, the pole was designed so that the top third of it would fall in against itself.

Commissioner Hall asked Mr. Donohue why the facility had been moved from its original proposed location near the tennis court to the existing site near the edge of the property. Mr. Donohue said that it had been relocated in response to staff's concerns regarding its location in the floodplain and RPA. Mr. Bell added that the access road to the facility was several thousand feet inside the RPA, so staff recommended that the applicant relocate the facility on the site. When Commissioner Hall asked what the height of the pole would have been at its original location, Mr. Bell said that it would have been approximately the same as the currently proposed pole.

Commissioner Flanagan asked Mr. Donohue about Oakleigh Thorne's testimony in relation to the applicant. Mr. Donohue explained that Donohue & Stearns, PLC, had hired him for this project, but suggested that he speak separately at the hearing.

Commissioner Hart asked Mr. Donohue if he knew of other sites where the topography was so problematic that there was no way to mitigate the visual impacts of a facility, Mr. Donohue said no. When Commissioner Hart asked staff the same question, Mr. Bell also said no.

Commissioner Hall noted that there were two facilities in Mason District that residents could clearly see from their homes, pointing out that topography was not an issue in either case. She noted that in one case the facility had been in place prior to the homes being built and the other facility had been located in a park with homes directly facing it.

Referencing Mr. Cornett's remarks, Commissioner Hedetniemi asked if it was true that those nearest the facility would not have adequate service. Mr. Donohue said no.

Commissioner Litzenberger asked Mr. Donohue about DAS, Mr. Donohue said that he did know how many nodes would be necessary to cover the entire gap, adding that area did not lend itself

to such a system. Commissioner Litzenberger asked if it mattered what time of day the test calls had been made. Mr. Donohue stated that it did, adding that it could significantly affect capacity.

Commissioner Hart asked staff if they would still recommend approval of a monopine. Mr. Bell said that a monopole would have less visual impact.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROPOSED TELECOMMUNICATIONS FACILITY, SUBMITTED PURSUANT TO APPLICATION 2232-M08-26 BY NEW CINGULAR WIRELESS, PCS, LLC, WITH PARKLAWN RECREATION ASSOCIATION, INC., SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AND IS SUBSTANTIALLY IN ACCORD WITH THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 93-M-047, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 13, 2013.

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN FAVOR OF THE PROPOSED FENCING, EXISTING VEGETATION, AND THE SUPPLEMENTAL LANDSCAPING DEPICTED ON THE SEA/SPA PLAT.

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.


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The meeting was adjourned at 11:42 p.m.
Peter F. Murphy, Jr., Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: July 17, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission